

## REMARKS

This paper is in response to the Notice of Non-Compliant Amendment mailed July 31, 2007 and further in response to the Restriction Requirement dated January 22, 2005.

As set forth below, Applicant elects the claims of Group I, Claims 1-10 and request rejoinder of all the pending claims upon allowance of Claims 1 and 7.

Applicant has amended the application as set forth above. Claims 20, 21, 50, 59 and 68 have been canceled without prejudice. Claims 1, 7, 11, 12, 18, 19, 22-32, 35-37, 43, 51, 55-58, 60-65, 67, 69-74, 80, 85 and 87-91 have been amended; and Claim 94 has been added. Upon the entry of the amendments, Claims 1-19, 22-49, 51-58, 60-67 and 69-94 are pending in this application. No new matter is added by the amendments as discussed below. Applicant respectfully requests the entry of the amendments and consideration of the application in view of the above amendments and the following remarks.

### Complying Amendments

In the Response to Restriction Requirement dated July 25, 2007, Applicant presented claim amendments. However, the July 25, 2007 claim amendments did not provide proper markings for the addition and deletion of claim language. In the foregoing claim amendments, Applicant indicated the addition and deletion of claim language such that the deleted text is stricken-through and the added text is underlined. As such, the foregoing claim amendments are in compliance with 37 C.F.R. § 1.121(c)(2).

### Support of Claim Amendments

Claims 1 and 7 have been amended to correct grammatical errors.

Claims 11, 35, 43 and 55 have been amended to recite all the limitations of Claim 1. Claims 12, 18, 19 and 22-32 have been amended for the consistency of language and dependency in view of the amendment to Claim 11. Claim 35 has been further amended to incorporate a feature from Claim 36. Claim 36 has been amended to delete the feature added to Claim 35. Claim 51 has been amended for the consistency of language in view of the amendment to Claim 43. Claims 56-58 and 60-65 have been amended for the consistency of language in view of the amendment to Claim 55.

Claim 37, 67, 74, 80 and 85 have been amended to recite all the limitations of Claim 7. Claims 69-73 have been amended for the consistency of language and dependency in view of the amendment to Claim 67. Claims 87-91 have been amended for the consistency of language in view of the amendment to Claim 85.

Claim 94 has been added to define an additional feature of the invention and is supported by the specification, for example, at Example 3 on page 11.

As such, all the foregoing amendments are supported by the original claims and specification. Applicant submits that no new matter has been added to the application.

#### Election of Invention and Traverse of Restriction Requirement

In the Restriction Requirement, the Examiner indicates that this application includes the following groups of claims:

- Group I: Claims 1-10, drawn to a composition comprising a compound of formula I and an emulsifier;
- Group II: Claims 11-34, drawn to a method of treating a plant with a compound of formula I;
- Group III: Claims 35, 36, 43-54, drawn to a grown plant treated with by the method of claim 11;
- Group IV: Claims 37-42, drawn to a method of treating a plant with a compound of formula II;
- Group V: Claims 55-66, drawn to a method of producing a chemical-compound treated plant of claim 43 comprising contacting the plant with a compound of formula I;
- Group VI: Claims 67-73, drawn to a polyprenol treated plant;
- Group VII: Claims 74-79, drawn to a plant regulator comprising a compound of formula II;
- Group VIII: Claims 80-84, drawn to a method of growing a plant using a plant growth regulator of claim 74; and
- Group IX: Claims 85-93, drawn to a method of obtaining a polyprenol.

In response, Applicant **elects Group I (Claims 1-10)** drawn to a composition and an emulsifier. Applicant respectfully traverses the restriction requirement as all the claims of Groups

II-IX include the common feature of Formula I of Claim 1 or Formula II of Claim 7. Nonetheless, Applicant has amended the independent claims of Groups II-IX to incorporate all the limitations of either Claim 1 or 7, and requests rejoinder of these claims as discussed below.

Request for Rejoinder under M.P.E.P. 821.04

As set forth in M.P.E.P. 821.04, where restriction was required between independent or distinct products, or between independent or distinct processes, and all claims directed to an elected invention are allowable, any restriction requirement between the elected invention and any nonelected invention that depends from or otherwise requires all the limitations of an allowable claim should be withdrawn.

Claims 11, 35, 43 and 55, which are withdrawn, have been amended to depend from Claim 1. As such, upon allowance of Claim 1, Claims 11, 35, 43 and 55, and their dependent claims are eligible for substantive examination. Likewise, Claim 37, 67, 74, 80 and 85 have been amended to depend from Claim 7. Accordingly, upon allowance of Claim 7, Claim 37, 67, 74, 80 and 85, and their dependent claims are eligible for substantive examination. Applicant requests rejoinder of the nonelected claims upon allowance of Claim 1 or Claim 7.

Election of Species Requirement

In the Office Action, the Examiner required that Applicant elect a specifically defined compound of Formula I or II, and a specifically defined emulsifier.

Regarding Formulae I and II, Applicant elects undecaprenol.

Regarding the emulsifier, Applicant elects octylphenol.

Claims Readable on the Elected Species

Claims 1-19, 22-49, 51-58, 60-67 and 69-94 are readable on a combination where the compound of Formula I or II is undecaprenol and the emulsifier is octylphenol.

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### CONCLUSION

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: \_\_\_\_\_

8/8/07

By: \_\_\_\_\_



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